



BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

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WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

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IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION FOR APPROVAL)
OF AN RECIRPOCAL COMPENSATION)
AMENDMENT TO THE INTERCONNECTION)
AGREEMENT WITH MFS INTELENET, INC.)

DOCKET NO. T-01051B-01-0746
T-03394A-01-0746

DECISION NO. 64237

ORDER

Open Meeting
November 27 and 28, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On September 21, 2001, Qwest Corporation ("Qwest") filed an Application for approval of an Amendment to the Interconnection between Qwest and MFS Intelenet, Inc. ("MFS"). The original Interconnection Agreement was approved by the Commission on December 18, 1996, in Decision No. 59936.

2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for Interconnection and Resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Amendment to the Interconnection Agreement between Qwest and MFS was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Amendment, terms and conditions for Reciprocal Compensation are added.

5. According to the 1996 Act and Commission Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest.

6. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

7. Since there are no grounds for rejection of the Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Amendment to the Interconnection Agreement between Qwest and MFS.

CONCLUSIONS OF LAW

1. Qwest is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over MFS and over the subject matter of the Application.

3. The Commission, having reviewed the Application and Staff's Memorandum has determined that the Amendment to the Interconnection Agreement negotiated between Qwest and MFS meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-negotiated agreements and is in the public interest.

4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder.

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ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Reciprocal Compensation Amendment to the Interconnection Agreement between Qwest and MFS filed on September 21, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION
CHAIRMAN
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 29th day of November, 2001.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

EGJ:EAA:rdp/MAS

1 SERVICE LIST FOR: Qwest Corporation and MFS Intelenet, Inc.

2 DOCKET NOS. T-01051B-01-0746 and T-03394A-01-0746

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